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IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. 2:04-cr-0357 MCE
	)	
Plaintiff,	)	MOTION AND ORDER
	)	DISMISSING INDICTMENT
v.	)	
	)	
LOUIS RUSSO,	)	
	)	
Defendant.	)	
_____	)	

The United States of America, by and through its undersigned attorney, Kymberly A. Smith, Assistant United States Attorney of the Eastern District of California, respectfully requests the Court to dismiss, without prejudice, the above-captioned indictment on LOUIS RUSSO. This motion is made pursuant to the provisions of Rule 48(a) of the Federal Rules of Criminal Procedure.

DATED: January 17, 2006

McGREGOR W. SCOTT  
United States Attorney

By: /s/ Kymberly A. Smith  
KYMBERLY A. SMITH  
Assistant U.S. Attorney

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O R D E R

IT IS HEREBY ORDERED THAT the above-captioned Indictment against LOUIS RUSSO, be and the same hereby is DISMISSED without prejudice.

DATED: January 25, 2006

A handwritten signature in blue ink, appearing to read "Morrison C. England, Jr.", is written over a horizontal line.

MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE